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In the Matter of)	
)	MUR 5388
Jim Treffinger for Senate, Inc.)	
and Robert A. Mathers, in his official capacity)	
as treasurer)	
James W. Treffinger)	
Robert A. Mathers, in his personal capacity)	

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- 1. Accept the attached conciliation agreement with Jim Treffinger for Senate, Inc. and Robert A. Mathers, in his official capacity as treasurer.**
- 2. Accept the attached conciliation agreement with James W. Treffinger.**
- 3. Accept the attached conciliation agreement with Robert A. Mathers, in his personal capacity**
- 4. Close the file.**

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Each of the attached agreements contain unqualified admissions that the Respondents violated the Federal Election Campaign Act of 1971, as amended, conduct prohibitions, and civil penalties in the amount of \$57,000 for each Respondent. Respondents have tendered checks, totaling \$171,000, in full payment of their respective civil penalties. See Attachment 4.

1 In addition, because the Committee will have no funds remaining in its bank account if
2 the Commission accepts the Committee's conciliation agreement, the agreement does not require
3 the Committee to refund the remaining unrefunded 2000 general election contributions at this
4 time. Instead, the conciliation agreement requires the Committee to report as debt each
5 unrefunded excessive contribution and provides that none of the Committee's future receipts, if
6 any, may be disbursed for any purpose other than refunding the excessive contributions until the
7 entire amount of excessive contributions has been refunded. *See* Attachment 1 at 5, Section VII.¹

8 Accordingly, we recommend that the Commission accept the attached conciliation
9 agreements and close the file.

10 **III. RECOMMENDATIONS**

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- 12 1. Accept the attached conciliation agreement with Jim Treffinger for Senate, Inc. and
13 Robert A. Mathers, in his official capacity as treasurer.
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 - 15 2. Accept the attached conciliation agreement with James W. Treffinger.
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 - 17 3. Accept the attached conciliation agreement with Robert A. Mathers, in his personal
18 capacity.
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 - 20 4. Close the file.
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¹ Treffinger and the Committee have represented that Treffinger, a convicted felon, has no plans to run for Federal office in the future and the Committee has no plans to engage in any future fundraising. The Committee has also represented that it intends to request termination in the near future. We informed the Committee that we made no representation as to how the Commission would act on such a request if it received one.

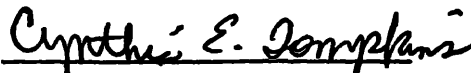
The Committee also recently informed us that it had discovered an additional \$21,214.15 in its campaign account, representing stale-dated checks for a small amount of refunds made during 2002 in connection with the 2000 and 2002 elections. As noted in our Informational Memorandum, the Committee refunded all of the 2002 general election contributions and a small portion of the 2000 general election contributions during 2002. Apparently, some of those refund checks were never deposited or cashed. In addition, there were a small amount of stale-dated expense checks from the 2002 election. We advised the Committee to disgorge the \$21,214.15, which represents the stale-dated checks, to the U.S. Treasury. *See* AO 2003-18 (Bob Smith).


5. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

4/12/06
Date

BY: 
Lawrence L. Calvert, Jr.
Deputy Associate General Counsel
for Enforcement


Cynthia E. Tompkins
Assistant General Counsel


Jack A. Gould
Attorney

Attachments

1. Treffinger Committee Conciliation Agreement
2. James W. Treffinger Conciliation Agreement
3. Robert A. Mathers Conciliation Agreement
4. Civil penalty checks